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14 Attorneys for Plaintiff
15 UNITED STATES OF AMERICA

16 UNITED STATES DISTRICT COURT
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 NICHOLAS A. DECOSTA,

22 Defendant.

Case No. 5:21-mj-517

GOVERNMENT'S NOTICE OF REQUEST
FOR DETENTION

23 Plaintiff, United States of America, by and through its
24 counsel of record, hereby requests detention of defendant and gives
25 notice of the following material factors:

26 _____ 1. Temporary 10-day Detention Requested (§ 3142(d)) on the
27 following grounds:

28 _____ a. present offense committed while defendant was on
release pending (felony trial), (sentencing),
(appeal), or on (probation) (parole); or

_____ b. defendant is an alien not lawfully admitted for
permanent residence; and

1 _____ c. defendant may flee; or

2 _____ d. pose a danger to another or the community.

3 _____ 2. Pretrial Detention Requested (§ 3142(e)) because no
4 condition or combination of conditions will reasonably
5 assure:

6 _____ a. the appearance of the defendant as required;

7 _____ b. safety of any other person and the community.

8 x _____ 3. Detention Requested Pending Supervised Release/Probation
9 Revocation Hearing (Rules 32.1(a)(6), 46(d), and 18
10 U.S.C. § 3143(a)):

11 x _____ a. defendant cannot establish by clear and convincing
12 evidence that he/she will not pose a danger to any
13 other person or to the community;

14 x _____ b. defendant cannot establish by clear and convincing
15 evidence that he/she will not flee.

16 _____ 4. Presumptions Applicable to Pretrial Detention (18 U.S.C.
17 § 3142(e)):

18 _____ a. Title 21 or Maritime Drug Law Enforcement Act
19 ("MDLEA") (46 U.S.C. App. 1901 et seq.) offense with
20 10-year or greater maximum penalty (presumption of
21 danger to community and flight risk);

22 _____ b. offense under 18 U.S.C. §§ 924(c), 956(a), 2332b, or
23 2332b(g)(5)(B) with 10-year or greater maximum
24 penalty (presumption of danger to community and
25 flight risk);

26 _____ c. offense involving a minor victim under 18 U.S.C. §§
27 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251,
28 2251A, 2252(a)(1)-(a)(3), 2252A(a)(1)-2252A(a)(4),

2260, 2421, 2422, 2423 or 2425 (presumption of
danger to community and flight risk);

_____ d. defendant currently charged with an offense
described in paragraph 5a - 5e below, AND defendant
was previously convicted of an offense described in
paragraph 5a - 5e below (whether Federal or
State/local), AND that previous offense was
committed while defendant was on release pending
trial, AND the current offense was committed within
five years of conviction or release from prison on
the above-described previous conviction (presumption
of danger to community).

_____ 5. Government Is Entitled to Detention Hearing Under §
3142(f) If the Case Involves:

_____ a. a crime of violence (as defined in 18 U.S.C. §
3156(a)(4)) or Federal crime of terrorism (as
defined in 18 U.S.C. § 2332b(g)(5)(B)) for which
maximum sentence is 10 years' imprisonment or more;

_____ b. an offense for which maximum sentence is life
imprisonment or death;

_____ c. Title 21 or MDLEA offense for which maximum sentence
is 10 years' imprisonment or more;

1 _____ d. any felony if defendant has two or more convictions
2 for a crime set forth in a-c above or for an offense
3 under state or local law that would qualify under a,
4 b, or c if federal jurisdiction were present, or a
5 combination or such offenses;

6 _____ e. any felony not otherwise a crime of violence that
7 involves a minor victim or the possession or use of
8 a firearm or destructive device (as defined in 18
9 U.S.C. § 921), or any other dangerous weapon, or
10 involves a failure to register under 18 U.S.C. §
11 2250;

12 _____ f. serious risk defendant will flee;

13 _____ g. serious risk defendant will (obstruct or attempt to
14 obstruct justice) or (threaten, injure, or
15 intimidate prospective witness or juror, or attempt
16 to do so).

17 _____ 6. Government requests continuance of _____ days for
18 detention hearing under § 3142(f) and based upon the
19 following reason(s):

20 _____
21 _____
22 _____
23 _____

24 //

25 //

26 //

1 7. Good cause for continuance in excess of three days exists
2 in that:

3 _____
4 _____
5 _____
6 _____

7
8 Dated: August 5, 2021

Respectfully submitted,

9 TRACY L. WILKISON
10 Acting United States Attorney

11 JERRY C. YANG
12 Assistant United States Attorney
13 Chief, Riverside Branch Office

14 _____
15 /s/
16 BENJAMIN J. WEIR
17 Assistant United States Attorney

18 Attorneys for Plaintiff
19 UNITED STATES OF AMERICA
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